IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

Con.Case(C).No. 6 of 2007(S)

JUDGEMENT IN WPC.18613/2006 Dated 04/08/2006

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PETITIONER/PETITIONER:

D. JOSE, AGED 38,
S/O. DASAN, SAGARA RESTAURANT, KOLLAM BEACH,
RESIDING AT AKSHAYA BHAVANAM,MUNDAKKAL WEST,KOLLAM

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENT: 2ND RESPONDENT:

SMT. SASIKALA,
SECRETARY, CORPORATION OF KOLLAM, KOLLAM.
AGE AND FATHER'S NAME OF THE RESPONDENT IS NOT
KNOWN TO THE PETITIONER.

BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 17/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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Cont.Case (Civil) No.6 of 2007

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Dated: 17th January, 2007

JUDGMENT

Mr.M.K.Chandramohan Das, Standing Counsel for the Kollam Corporation of which the respondent is the Secretary submits that on the basis of the complaint submitted by the petitioner the Corporation have been keeping vigil over the area and to the information of the Corporation, no unauthorised sale of ice-creams in the area in question took place till 29.12.2006. But it came to the notice of the Corporation that after 1.1.2007 in mobile shops unauthorised sale of ice-creams started in the area in question and on receiving such information, immediate inspection was conducted. Unfortunately since the mobile shops were removed to some unknown place, they could not be seized. The Corporation is conducting inspections regularly as to whether unauthorised sale of the ice-creams is going on. Learned Standing Counsel further submitted that the licensed merchants who are conducting trade in Kollam Beach have already submitted a representation before the Mayor, the District Collector and the Council seeking an effective solution for the problem arising from the conduct of unauthorised sales on the Beach and that representation is now under consideration.

2. Mr.S.Santhosh Kumar, counsel for the petitioner susbmitted

that as directed by this court the petitioner supplied to the Secretary of the Corporation the names and addresses of persons who are conducting unauthorised sale of ice-creams and that no effective steps have been taken by the respondent so far.

3. Having regard to the submissions made, I am of the view that there is no warrant for initiation of contempt action against the respondent immediately. The Contempt Case will stand disposed of with the following directions:

The respondent will issue appropriate directions to the Station House Officer of the Police Station having jurisdiction over the Kollam Beach seeking their assistance for preventing the unauthorised sale of ice-creams at least by those traders whose names and addresses have been supplied by the petitioner to the respondent. I am sure that once such a request is received from the Secretary of the Corporation by the Station House Officer, he will do the needful.

srd **PIUS C.KURIAKOSE, JUDGE**